IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 20TH MARCH 2007 / 29TH PHALGUNA 1928

WP(C).No. 33808 of 2004(Y)

PETITIONER:

MUHAMMADALI S/O. MAYINKUTTY,
PALAYKAPALLIYALI HOUSE,
BANGLAVUM KUNNU, T.B.ROAD, WANDOOR,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:

---

1. DR.A.V.VIJAYAN, SUPERINTENDENT,
KARUNALAYA HOSPITAL, WANDOOR, MALAPPURAM DISTRICT.

2. DR.SINI FRANCIS JOSEPH,
GYNECOLOGIST, KARUNALAYA HOSPITAL,
WANDOOR, MALAPPURAM DISTRICT.

3. THE SUPERINTENDENT OF POLICE,
MALAPPURAM.

4. THE SUB INSPECTOR OF POLICE, WANDOOR.

5. THE REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA.

6. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

R3 TO 6 BY G.P. SMT.SMITHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/03/2007, THE COURT ON 20/03/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE PETITION DT.26.10.2004 SUBMITTED BY PETITIONER BEFORE R3.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.33808 of 2004

.....

Dated this the 20th day of March, 2007.

JUDGMENT

The W.P. is filed for direction to Police to conduct enquiry into the death of petitioner's brother's daughter who died during delivery. Petitioner's allegation is that death was on account of the victim falling from the stretcher which is on account of negligence of the Hospital. However, death occurred in the year 2004 and body was buried without Post Mortem. In the absence of any evidence of cause of death, there is no scope for investigation by Police. The W.P. is accordingly closed.

C.N.RAMACHANDRAN NAIR
Judge

pms